

REMARKS

This application has been reviewed in light of the Office Action dated April 18, 2007. Claims 1-4 and 7-17 are presented for examination. Claims 1 and 15-17, the independent claims, have been amended to define still more clearly what Applicant regards as the invention. Claims 5, 6 and 18 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Favorable reconsideration is respectfully requested.

Initially, Applicant again respectfully requests to schedule a telephone interview with the Examiner, prior to issuance of the Examiner's next Action.

In the outstanding Office Action, Claims 1-4 and 7-17 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. While Applicant does not agree with the analysis set out in the Office Action in support of this rejection, and strongly believes that the claims as presented previously already complied fully with the requirements of Section 101 and the Patent and Trademark Office's Guidelines, Applicant has nonetheless amended the independent claims along the lines indicated by the Examiner, solely to eliminate this as an issue. (It is noted that support for the mentioned amendments to Claims 1, 15 and 16 appears at least in the presence and operation of the printer 27 that appears in Figs. 1 and 11; the claim scope, however, is not limited to a printer as the mode or type of outputting, and more generally, the claims are not to be limited by the details of these or any other particular embodiments that are referred to herein.) In view of these amendments, withdrawal of the rejection under Section 101 is respectfully requested.

Claims 1, 2, 7-13 and 15-17 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,108,441 (*Hiratsuka et al.*) in view of U.S. Patent 5,289,295 (*Yumiba et al.*). In addition, Claim 3 was rejected under 35 U.S.C. § 103(a) as being obvious from *Hiratsuka* and *Yumiba* in view of U.S. Patent 5,231,504 (Magee), Claim 4, as being obvious from *Hiratsuka* and *Yumiba* in view of U.S. Patent 5,937,089 (Kobayashi), and Claim 14, as being obvious from *Hiratsuka* and *Yumiba* in view of U.S. Patent 6,172,681 (Ueda).

It is believed that what is claimed in the independent claims, and the prior art, have been adequately discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full.

Applicant understands that the Examiner agrees with Applicant that the recited “adjustment region”, as recited in the independent claims, is only a subset of the color space, and agrees that such is not taught in *Hiratsuka* (and now relies on *Yumiba*, discussed below, for this feature).

The Examiner maintains however that *Hiratsuka* does show designating a region in color space such that color adjustment processing is only performed on original colors that are within the region. It appears to Applicant that in the *Hiratsuka* apparatus, in the embodiment referred to by the Examiner at page 2 of the Office Action, the user designates an object in the original image, and the color of that object is subjected to a color adjustment, which is apparently uniform for *all* points in the object (the patent is not clear on this point). The Examiner’s assertion thus appears tenable only if the recited “region” is understood to be possibly just a single point. The claim language, however, is believed to preclude this interpretation, in that the independent claims each recite that the

“region” is one that “has an interior portion and a boundary”. Moreover, the independent claims recite that the adjustment region “includes the reference color and the adjusted color”, which ordinarily are not the same point. Both of these recitations are believed to make clear that the adjustment region is not just a single point.

In addition, however, Applicant believes that the Examiner may be under the mis-impression not all points in the color space are adjusted in the *Hiratsuka* process, whereas in fact, all points in the color space are adjusted according to that patent (that is, in *Hiratsuka* there is no region, smaller than the entire color space, such that only colors in the region are adjusted).

Accordingly, for these various reasons, Applicant submits that the rejection is improper, unless all the missing features can all be found in *Yumiba* (and even then, of course, only if it would have been obvious to modify *Hiratsuka*’s apparatus in such manner as to get what is claimed).

Newly cited *Yumiba* relates to an apparatus the user of which inputs via a keyboard a designation of the color that requires the largest degree of adjustment, and similarly inputs a designation of the target color, i.e., that to which the designated existing color is to be converted. The user is also able to designate a color-adjustment area in color space (illustrated in Figs. 3a, 3b) containing the designated existing color at its center (in the illustration). This region of color space, shown as a rectangle, is mapped to a rectangular area as shown in Fig. 3b. A weighting coefficient is used to control the amount of adjustment made to a given color, based on the position of the color in question within the color-adjustment area shown in Fig. 3a. In the example shown, the coefficient varies

apparently linearly between a peak at the center of that area (the existing color designated by the user), and zero at the edge of that area.

The Examiner asserts that it would have been obvious to modify the arrangement in *Hiratsuka* by introducing the user designation of this color-adjustment area of *Yumiba*. Applicant submits, however, that even if *Yumiba* is deemed to teach all that it is cited for, and even assuming the proposed combination with *Hiratsuka* would be proper, that combination would still not teach or suggest the feature that the recited adjusted value calculating means (of Claims 1 and 16) “derives an intersection of a straight line which connects the reference color and the pixel value of the image data and the boundary of the adjustment region, and calculates the adjusted pixel value of the image data on the basis of the adjusted color of the reference color and the intersection”.

It is noted that the Office Action cites Fig. 5 of *Hiratsuka* as allegedly disclosing this feature, but Applicant submits that the Examiner has mis-apprehended what is shown in that figure, as follows. While the Office Action states that Fig. 5 “shows an intersection of a straight line (figure 5), which reads on the adjusted value of the image data on the basis of an intersection of a straight line which connects the reference color and the image data and the contour of the adjustment region”, it is understood that the Examiner is not saying that a straight line, *per se*, would by itself meet the quoted recitation of Claim 1, but rather is saying that Fig. 5, of which the line segment marked d1 is a part, meets that recitation. Applicant submits, however, that nothing has been found, or pointed out, in *Hiratsuka* that is seen to teach or suggest that any intersection occurs between the line segment shown in Fig. 5 and the contour of an adjustment region, as called for in Claim 1 (“an intersection of a straight line which connects the reference color and the pixel value

of the image data *and the boundary of the adjustment region*, and calculates the adjusted pixel value of the image data on the basis of the adjusted color of the reference color and the intersection”).

Rather, the line segment d1 shown in Fig. 5 is simply a distance that is calculated, namely the distance between a reference color (l, c, h) and a designated color (l1, c1, h1) that is to be subjected to color-adjustment processing (equation (6), at col. 8, lines 40-43). The length of this line segment, i.e., distance d1, is used in subsequent calculations, as shown in equation (7) (col. 8, lines 44-64), but nowhere in *Hiratsuka* is there any suggestion that this line segment intersects the contour of an adjustment region. Indeed, the definition of this line segment makes clear that it has one end at the reference color, and the other at the particular designated color.

Thus, line segment d1 is determined entirely by the choice of the reference color and of the designated color; *Hiratsuka* contains no teaching of an adjustment region having a boundary, and certainly does not contain any teaching or suggestion that the line segment shown in Fig. 5 intersects the contour of such an adjustment region. Much less could anything in that patent provide any suggestion that a color adjustment is to be calculated in part based on such an intersection.

For these reasons, it is believed to be clear that Claim 1 is allowable over the proposed combination of *Hiratsuka* and *Yumiba*, even assuming that such combination would be a proper one.

Independent Claims 15-17 are method, system and storage-medium claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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